

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

JIMMIE FISHER,)
)
 Plaintiff,)) CASE NO.:
)
 v.)) CV-04-BE-832-S
)
 SONIC-WILLIAMS BUICK, INC.,)
 d/b/a TOM WILLIAMS COLLISION)
 CENTER, et al.,)
)
 Defendants.)

MEMORANDUM OF OPINION

This case comes before the court on defendant Sonic-Williams Buick, Inc.'s Motion for Summary Judgment. (Doc. 34). The magistrate judge filed a report and recommendation on March 8, 2006, recommending that the defendant's motion for summary judgment be granted on all of the plaintiff's retaliation claims, except the plaintiff's claim that he was fired in retaliation for filing the EEOC charge. The magistrate judge also recommended that the defendant's motion for summary judgment be granted on all of the plaintiff's discrimination claims, except discrimination claims based on the denial of promotions to the Body Shop Manager position given to Kim Thornton, the Estimator position given to Alex Hicks, and the Estimator position given to Kim Thornton. No objections have been filed by any party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. The court EXPRESSLY FINDS that, as to all of the plaintiff's retaliation claims, except the plaintiff's

claim that he was fired in retaliation for filing the EEOC charge, and all of the plaintiff's discrimination claims, except discrimination claims based on the denial of promotions to the Body Shop Manager position given to Kim Thornton, the Estimator position given to Alex Hicks, and the Estimator position given to Kim Thornton, that no genuine issues of material fact exist and that the defendants are entitled to judgment as a matter of law. Accordingly, the defendants' motion for summary judgment is due to be **GRANTED IN PART and DENIED IN PART**. An appropriate order will be entered.

DONE this the 30th day of March, 2006.


Karon O. Bowdre
KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE